

3731\$



Atty. Dkt. No. 050251-0131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gray et al.  
Title: SURGICAL DEVICE WITH MALLEABLE SHAFT  
Appl. No.: 09/785,374  
Filing Date: 16 February 2001  
Examiner: W. Lewis  
Art Unit: 3731

**CERTIFICATE OF MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, for the date below.

Susan T. Golab  
(Printed Name)

Susan T. Golab  
(Signature)

16 August 2001  
(Date of Deposit)

TECHNICAL CENTER 3100  
AUG 24 2001  
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AMENDMENT TRANSMITTAL

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is Amendment A in the above-identified application.

- [ ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a Small Entity statement previously submitted.
- [ ] Small Entity statement is enclosed.
- [X] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	83	—	52	=	31	x	\$18.00	=	\$558.00
Independents:	12	—	8	=	4	x	\$80.00	=	\$320.00
First presentation of any Multiple Dependent Claims:						+	\$270.00	=	\$0.00
CLAIMS FEE TOTAL:								=	\$878.00

- [ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

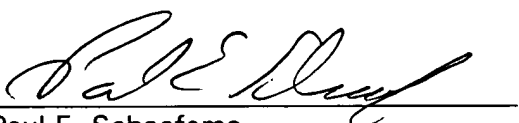
<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$390.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$890.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,390.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,890.00	\$0.00
	EXTENSION FEE TOTAL:		\$0.00
	CLAIMS AND EXTENSION FEE TOTAL:		\$878.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
	TOTAL FEE:		\$878.00

- ☐ Please charge Deposit Account No. 06-1450 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.
- ☒ A check in the amount of \$878.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 16 August 2001  
 FOLEY & LARDNER  
 One IBM Plaza  
 330 North Wabash, Suite 3300  
 Chicago, Illinois 60611  
 Telephone: 312.755.2610  
 Facsimile: 312.755.1924

By   
 Paul E. Schaafsma  
 Attorney for Applicant  
 Registration No. 32,664

3731 \$



**CERTIFICATE OF MAILING  
UNDER 37 CFR 1.8**

**16 August 2001**  
**Date of Deposit**

I hereby certify that a Amendment (18 pages); Amendment Transmittal (2 pages);  
Check No. 591536 in the amount of \$878.00; and a return postcard are being deposited with  
the United States Postal Service with sufficient postage as First Class Mail service under 37  
CFR 1.8 on the date indicated above, addressed to: Assistant Commissioner for Patents, Box  
Fee Amendment, Washington, D.C. 20231.

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AUG 24 2001  
TECHNICAL CENTER 3100

Susan T. Golab

(Typed or Printed name of  
Person Mailing Amendment)

Susan T. Golab

(Signature of Person  
Mailing Change of Amendment)

Docket No. 050251/0131



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gray et al.

Title: SURGICAL DEVICE WITH  
MALLEABLE SHAFT

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Susan T. Golab	
(Printed Name)	
<i>Susan T. Golab</i>	
(Signature)	
16 August 2001	
(Date of Deposit)	

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AUG 24 2001  
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AMENDMENT

Assistant Commissioner for Patents  
Box Fee Amendment  
Washington, D.C. 20231

Sir:

Responsive to the Office Action mailed 6 August 2001, please amend the application as follows:

08/22/2001 RHARIS1 00000103 09785374

01 FC:102  
02 FC:103

320.00 OP  
558.00 OP

In the Claims:

*Sub B1*  
*a1*  
~~Please amend the following claims:~~

1. (Once Amended) (A malleable shaft member for a surgical device having a tissue engaging means and a handle assembly, and an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means, the shaft member comprising:

a first tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the first tube coupled to the handle assembly, the distal end of the first tube coupled to the tissue engaging means, the actuating means extending axially through the first tube, the first tube configured to be kink resistant, fatigue resistant, and to bend about some bending radius in response to a bending moment applied to the first tube, the bending moment applied to the first tube